

In re Application of: Herzog et al.

Application No. 09/973,389

Filed: October 9, 2001

For: STORAGE RACK SYSTEM AND LOCKING LATCH THEREFOR

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is a response to an office action in the subject application.

☐ Applicants claim small entity status of this application under 37 CFR 1.27.☒ Petition for Extension of Time☒ Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$930.00 (enclosed).☐ Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.☒ No additional claim fee is required.☒ Other: Statement Under 37 C.F.R. § 1.608(a)

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDIT. CLAIM FEE	RATE	ADDIT. CLAIM FEE
TOTAL	49	MINUS	49	=0	x 9=	\$	x 18=	\$0.00
INDEPENDENT	10	MINUS	10	=0	x 42=	\$	x 84=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 140=	\$	+ 280=	\$
					TOTAL	\$	TOTAL	\$0.00

☒ Please charge my Deposit Account No. 12-1216 in the amount of \$930.00. A duplicate copy of this sheet is attached.☐ A check in the amount of \$ is attached.☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

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PATENT
Attorney Docket No. 216395

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HERZOG, et al.

Application No. 09/973,389

Filed: October 9, 2001

For: STORAGE RACK SYSTEM AND
LOCKING LATCH THEREFOR

Art Unit: 3634

Examiner: E. Harris

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STATEMENT UNDER 37 C.F.R. § 1.608(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants' present application is a continuation of co-pending application Serial No. 09/693,045 filed on October 20, 2000 which was a continuation of co-pending application Serial No. 09/300,923 filed on April 28, 1999. Therefore, the present application is entitled to an effective filing date of April 28, 1999. The claims for which an interference is requested are fully supported by applicants' specification, and thus are entitled to a effective filing date of April 28, 1999. The earliest possible filing date to which the Kautz et al. United States Patent 6,241,109 patent claims may be entitled is February 5, 1999, less than three (3) months after the earliest possible filing date of the application resulting in the '109 patent. After consideration of the relevant documents, counsel for the applicants states that there is a basis upon which the applicants are entitled to a judgment relative to the patentee.

In re Appln. of Herzob
Application No. 09/973,389

Respectfully submitted,

Date: 2-26-03

By: Jeffrey B. Burgan
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